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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,133	07/24/2001	Chih-Chuan Yen	PHTW000005	4004

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

PIERRE, MYRIAM

ART UNIT PAPER NUMBER

2654

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/912,133	YEN ET AL.	
	Examiner	Art Unit	
	Myriam Pierre	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments filed 10/31/2005 have been fully considered but they are not persuasive.

Applicant argues that “the examiner must be mistaken” regarding inherency of the speech processor. Examiner respectfully disagrees. Allen (6,397,388) does inherently teach a speech processor, col. 4 lines 34-40 (speech processing is the conversion from sound into electrical impulses, thus inherently needs a processor via DSP or some analog to digital formatting to process sound/speech).

Applicant argues, “Nowhere in Allen is there any suggestion that the audio information being captured by the microphone is speech controlled information for controlling functions of the set-top box and/or television”. Examiner respectfully disagrees. Allen does teach that the audio information being captured by the microphone is speech-controlled information for controlling functions of the set-top box and/or television, col. 4 lines 34-45; col. 7 lines 62-67 and col. 8 lines 1-5 (Allen’s remote control has a microphone, which is used for picking up speech signals, and the remote, which has a microphone, can be activated to control the STB, thus, if the remote, which is speech activated, controls the STB, the person speaking into the microphone, as long as the microphone is activated, will be controlling the STB).

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2654

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen

(6,397,388).

As to claim 4, Allen teaches

an inherent speech processor for processing speech commands (col. 4 lines 34-40);

a microphone arranged on said remote control for enabling a user of said remote control to input said speech commands (col. 4 lines 34-40);

a further microphone for enabling further users of the system to input speech commands (col. 4 lines 34-40, and col. 7 lines 62-67 and col. 8 lines 1-5);

enabling the user to selectively designate which of said microphone and further microphone is to be used as a signal source (col. 7 lines 62-67 and col. 8 lines 1-5);

input designation means for enabling the user to selectively designate which of said microphone and further microphone is to be used as a signal source (col. 7 lines 63-67 and col. 8 lines 1-5).

As to claim 5, Allen teaches

input means that controls the inherent speech processor to process speech commands from said microphone only (col. 7 lines 62-67 and col. 8 lines 1-5).

As to claim 6, Allen teaches

input designation means controls the inherent speech processor from said further microphone only (col. 7 lines 62-67 and col. 8 lines 1-5).

As to claim 7, Allen teaches

input designation means controls the inherent speech processor to process speech commands from both said microphone and said further microphone, said microphone having priority over said further microphone (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

As to claim 8, Allen teaches

a microphone for enabling a user of said control to input speech commands for processing by an inherent speech processor (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

input designation means for enabling the user to selectively designate said microphone (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

As to claim 9, Allen teaches

a speech processor for inherent processing speech commands (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5);

a further microphone arranged on said apparatus for generating speech commands for said apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5);

an input designation means for enabling the user to selectively designate which of said microphone and said further microphone is to be used as a signal source to speech processor (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5);

As to claim 10, Allen teaches  
transmitting speech commands to the apparatus from a microphone included in  
a remote control for controlling the apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines  
1-5);

transmitting further speech commands to the apparatus from a further  
microphone included in the apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

selectively designating which of said speech commands and said further speech command is to be  
used as a speech input for said apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

processing the selected command for controlling said apparatus (col. 4 lines 34-46, col. 7 lines  
62-67 and col. 8 lines 1-5).

### **Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time  
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE**  
**MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**  
**MONTHS** of the mailing date of this final action and the advisory action is not mailed until after  
the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period  
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,  
however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing  
date of this final action.


6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on Monday – Friday from 5:30 a.m. - 2:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MP 01/03/2005

  
VIJAY CHAWAN  
PRIMARY EXAMINER